

In the United States District Court
for the Eastern District of Pennsylvania

John J Lynch

FILED

No # 16 CV 5493

Evelyn Rivera

MAR 08 2017

No # 17 CV 312

No # 17 CV 408

KATE BARKMAN, Clerk
By _____ Dep. Clerk

Appellants Sur Reply to the Responses of
the several Appellees/ Interested Parties
of the Estate

To : The Honorable Judges of the Court:

John J Lynch the Appellant in the above captioned
matters relates the following;

1. That if the U. S. District Court for the Eastern District
of Pennsylvania considers the appeal of the denial of the
Petition to be an interlocutory appeal not ripe until the
case in chief was appealed then in that context the
court did not lose jurisdiction upon that issue
with the filing of the appeal on the case in chief
on January 10th 2017 pursuant to the Prison
mail box Rule, and the :

Extraordinary, and attendant

Circumstances

2. The Appellant relates to the Court that Extraordinary and attendant circumstances were present as defined by Blacks Law dictionary ① a fact that is situationally relevant to a particular event or occurrence. ② A highly unusual set of facts that are not commonly associated with a particular thing or occurrence.
3. The Appellant claims that the following set of facts, and circumstances should be considered as such Extraordinary and attendant circumstances that:
 - A) Impeded, hindered, obstructed, and/or otherwise prevented the appellant from a timely receipt of the courts orders appealed.
 - B) Impeded, hindered, obstructed, and/or otherwise prevented the appellant from filing appeals of the courts orders in a timely fashion through no fault of his own, and that the appellant acted with all due care, and diligence.
4. That on November 28th 2016 a disgruntled neighbor who is defendant in legal proceeding No's 160701409 with appellant here did call Phila Police naked and falsely state that appellant had been pointing a firearm at him from inside the appellants residence, threatening, and assaulting him with fire arm.

5. Appellant here was seized at his front door by Swat team, without mallet funds, glasses, or shoes, and immediately transported to the Police administration building at 8th and Race sts, and held there for 48 hours incommunicado.
6. Police did a complete search of the residence and found no firearms. Rather than do the right thing and return appellant to his residence they left the appellant to be processed into the court, and prison systems, and thereafter held on an unattainable Bail of \$300,000.00.
7. The appellant was kept incommunicado in quarantine for approx 5-7 days, then transferred into a closed custody unit at the Phila Prison system.
8. Appellant immediately requested indigent envelopes, and sent out a letter to United States Post office no 19114 to forward mail to him.
9. Appellant also sent indigent mail letter to his mother in Palm Bay FL, who arranged for cousin Richard Miles here in Phila to go check on residence, pick up, repackage, re-mail it to appellant, which he did and also put in a forwarding order.

10. On January 5th 2017 Appellant received in the evening mail a large manilla envelope he had been waiting on for three weeks to receive his mail. The top portion of which was sent attached to the Nunc Pro Tunc Petition, and Nunc Pro Tunc notice of appeal to the United States Bankruptcy Court by placing them in the prison mailbox on Jan. 10th 2017 as per the prison mailbox rule. Attached hereto is the bottom original portion of that envelope with a date notation as to the V.A. pension check, the envelope the second VA pension check which came with manilla envelope with similar notation and an original CC copy of the grievance form for January 5th 2017 to get funds posted so appellant could buy paper, pens, envelopes, and postage. He had none, and had to beg, and borrow paper, and pen, and use indigent mail, and prison mailbox for notices of appeals, and could borrow no more.

11. In light of the evidence presented to the United States Bankruptcy Court attached to the petition, and Nunc Pro Tunc Notice of Appeal which support the facts, and circumstances set forth in this pleading of the appellant, and those attached hereto showing that indeed appellant did act with all due care, and diligence, and was not neglectful.

12. In light of the evidence provided supporting the statement of the facts pleaded by the appellant as to Extraordinary and attendant circumstances that were beyond the control of the appellant who acted with all proper care, and due diligence it is clear those circumstances did impede the appellants timely receipt of the United States Bankruptcy Court orders, and his ability to act upon them in a timely fashion through no fault of his own, and the appropriate deadline under the circumstances is and or should be adjusted to 14 days from January 5th 2017 which is the 19th of January 2017,

Wherefore the appellant respectfully request that this Honorable Court in fairness aenule, and or otherwise deny the motions to dismiss the appeals in the matters, and find the matters properly appealed under the circumstances

Respectfully
Submitted

John J Lynch

Additional Exhibit E

the Bottom Portion of the "Manilla
Envelope" Submitted previously
to U.S. Bkcy Court

J.D.L.

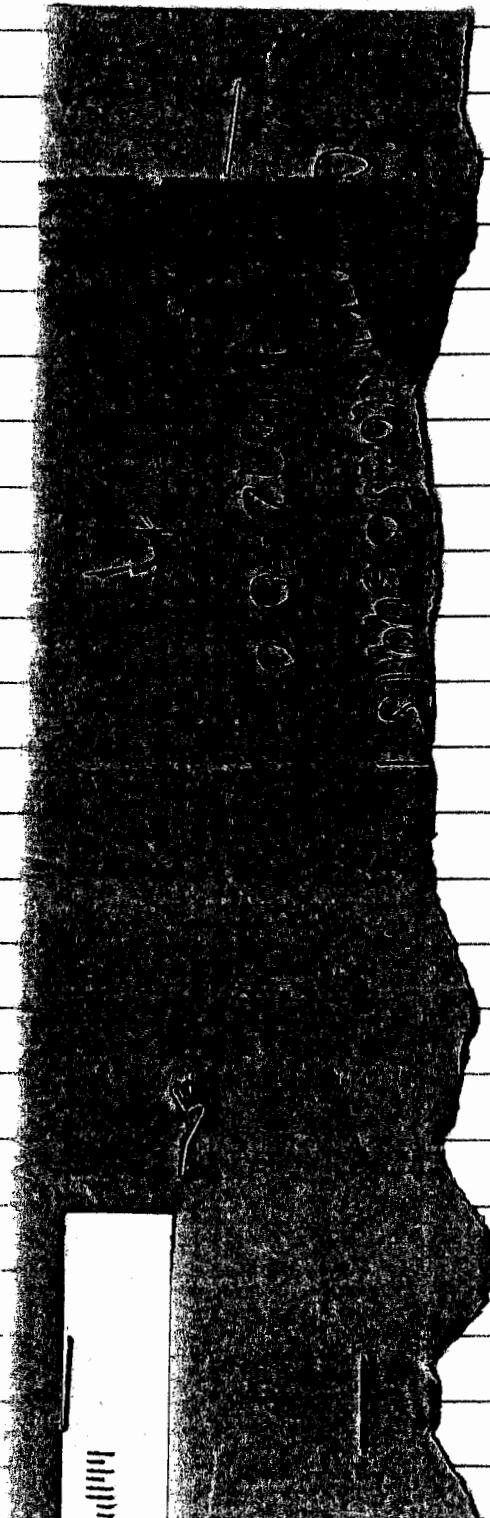
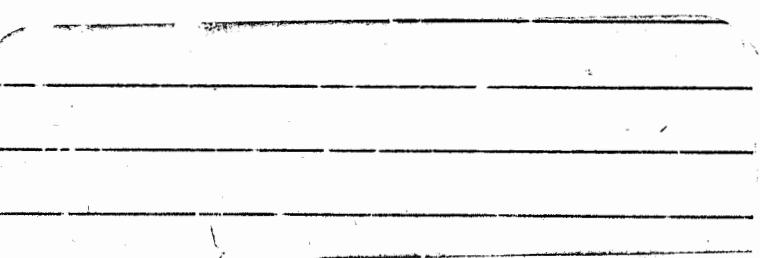


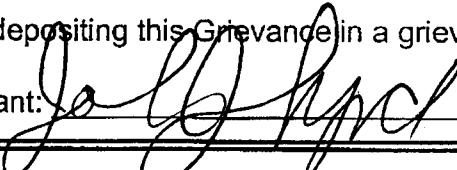
Exhibit F

The envelop that carried the appellants January check with forwarding label on it. Both were held till the grievance was addressed.

U.S. DEPARTMENT OF THE TREASURY BUREAU OF THE FISCAL SERVICE		Deliver 30th	Forgery of endorsements on Treasury checks is a Federal crime. Maximum penalty is a \$10,000 fine and ten years imprisonment.
P.O. BOX 51320 PHILADELPHIA, PENNSYLVANIA 19115-6320		Day of the Month	<input type="checkbox"/> IF RECIPIENT DECEASED Check here and drop in mailbox.
OFFICIAL BUSINESS PENALTY FOR PRIVATE USE \$300			
 563-783			
<p style="text-align: center;">T 176 DFE 1260G16C0012/31/16</p> <p style="text-align: center;">LYNCH JOHN 7991 STATE RD PHILADELPHIA PA 19136-3407</p> <p style="text-align: center;">FWD BC: 19136340701 *2419-07175-31-23 19136>3407</p>			

¶. the Grievance form original
concerning the holding of funds
back from appellant depicting him
of stationery and postage

Attachment 3.F.10.a

PHILADELPHIA DEPARTMENT OF PRISONS INMATE GRIEVANCE FORM					
<input type="checkbox"/> ASD	<input type="checkbox"/> CFCF	<input type="checkbox"/> DC	<input type="checkbox"/> HOC	<input type="checkbox"/> PICC	<input type="checkbox"/> RCF
NAME: John Lynch	HOUSING UNIT: A-2-X-12				
PID: 362783	INTAKE NUMBER:				
Check box only if grievance is regarding Medical Services <input type="checkbox"/>					
Description of Grievance, Incident or Problem (Include date and time of incident)					
<p>My VA Pension checks Are not money orders. They Should not be listed as money Orders; They are better than Money orders, and should be Posted expeditiously.</p>					
Action Requested by Inmate: Please correct and post funds					
See: Continuation of Grievance – Page 2 YES <input type="checkbox"/> No <input type="checkbox"/>					
Describe how and when you tried to resolve this Grievance informally.					
Date that you are depositing this Grievance in a grievance box:					
Signature of Grievant: 			Date: 1-5-17		

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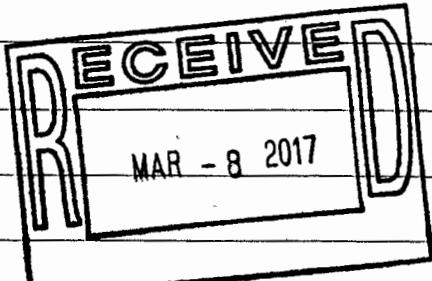
John J Lynch **FILED** No# 16 CV 5493
v MARCH 13 2017 No# 17 CV 312
Evelyn Rivera By KATE BARKMAN, Clerk No# 17 CV 408
Dep. Clerk

certificate of service

I John J Lynch hereby certifies that I have served a true, and correct copy of the attached Summons upon the persons listed below by 1st class mail on the 4th day of March 2017

John Lynch

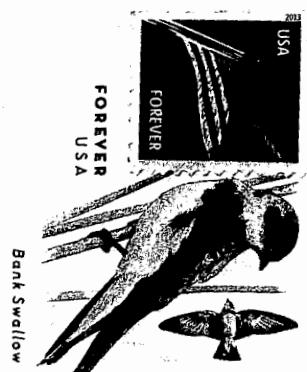
①	Evelyn Rivera 10814 Madens ter Phila PA 19154	②	Mary F Seely Esq c/o United States Trustee 601 Walnut st Ste# 950 Phila PA 19106
②	Jennifer Schultz Esq North Phila Law Ctr, 1410 W Erie Ave Phila PA 19140	③	Celine P. Derksonian 103 South Broad St Ste# 1400 Phila PA 19107
③	Karen G McDonald Blank Rome LLP one Logan Square Phila PA 19130	④	Thomas J. Pulos Esq KML Law Group PC 701 Market St Ste# 5000 Phila PA 19106



Philadelphia Department of Prisons
Philadelphia, PA 19103
PPN 542283

MAILING INSTRUCTIONS

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John J Lynch
S. N.Y. Clerk of Court
U.S. RAY United States Marshal
601 Market St
Phila PA 19106